

**Minutes of the Carlisle Board of Health  
June 24, 2008**

Present: Board Members Jeffrey Brem (Chairman), Bill Risso, Chris Deignan, Michael Holland, Leslie Cahill; also present: Linda Fantasia (Agent), Rob Frado (TCG), Laura Sholten (*Carlisle Mosquito*)

The meeting was called to order at 7:40 p.m. at the town hall.

**8 LOWELL ROAD** – property owner Bob Daisy asked to speak with the Board about the proposed renovations to Fern's Country Store. Daisy said there is a pending lawsuit with the tenant. He asked if the Board would delay issuing any permits until the legal dispute is resolved. The property is a 21E site that has been under remediation for a number of years. Daisy is concerned that the proposed renovations and expansion will cause problems. He questioned Bearfield's right to add on to the buildings and make changes to the septic system. A plan to relocate the septic tank to accommodate an addition between the garage and market has been submitted to the Board. It is still under review by the Board's consultant. Brem explained that the Board must defer to DEP because of the number of state variances that were needed when the system was replaced in 1995. The Board suggested that Daisy contact DEP with his concerns. Daisy said that he wants to be sure that the work be properly permitted.

**ADMINISTRATIVE REPORTS**

**Land Use Staffing** – John Luther of Melrose has been appointed Building Commissioner. Melissa Stamp has been appointed Assessor. Brem said he met with the Personnel Board and they approved two additional hours (four per pay period) for Gretchen Caywood, the Board's Administrative Assistant. This is a temporary appointment until 9/30/08. The Board will need to request a permanent change prior to that date. The Board agreed to review the present job description. The Board will use its surplus funds until 6/30/08. The additional hours will be paid from FY09 and eventually replenished through grant money. Brem said town meeting could always restore the lost funding if the grant money is not forthcoming.

**103 Meadowbrook Road** – the tenant has vacated the apartment in the barn. The owner will meet with the Building Inspector to correct the illegal work that was done in the barn.

**MRC Executive Committee** – the committee is sponsoring a booth at Old Home Day. Board members offered to help with set up and staffing the booth.

**Senior Tax Worker** – Fantasia has asked a volunteer to do clerical work.

**Coventry Woods Wells** – Fantasia has written to the owner asking for permission for the town's well inspector to check that all of the wells are capped and secure.

**Salmonella Outbreak** – information has been posted on the Board's website.

**FERNS COUNTRY STORE** – Site Plan Review Pre-application conference. Present for the discussion was Larry Bearfield, property manager, Joe March of Stamski & McNary, Inc. and Barbara Culkins, owner.

Brem informed Bearfield about the earlier conversation with Bob Daisy. Bearfield said his lease gives him the right to make structural changes as part of the business and offered a copy to the Board. The Board felt this was an issue between property owner and tenant.

Brem informed the audience that the purpose of the meeting was to provide a preliminary determination on water supply, sewage disposal and relevant environmental and health issues prior to a site plan review application.

March said the plan is the same one that was proposed two years ago and submitted a letter of explanation dated 6/30/08. The existing garage will be converted into a retail store, and a new building will connect it to

the market. March had met with the Board previously to discuss the status of septic permit. March subsequently met with DEP who decided that the proposed plan would not be considered new construction as long as the flows did not increase and the well did not need to be classified as a public water supply. To accommodate the new building, the septic tank needs to be relocated. The proposed location is 6.0' from the slab foundation which is the same setback variance granted by the Board in 1995. March does not believe this setback needs a new variance.

The Board briefly reviewed the existing septic system design. The actual system can only accommodate 20% of the required flows. Frado asked about the new construction classification. March explained that DEP initially had a different interpretation, but after further discussion agreed that as long as the intended use does not exceed 970 GPD flow rate it would not be considered new construction. The new design flow is 900 GPD. There is a future plan involving a café and lounge area but this will require a public bathroom and the well will need to be classified as a public water supply. Bearfield said they have decided to postpone the café and lounge until the bathroom and well issues can be resolved. The site review application only involves building the additional square footage for the retail store and leaving the market as is. March suggested making it a condition of the approval.

March explained how he calculated the design flows. Brem asked to have the explanation included in his submittal and March agreed. (Holland arrives). After providing a brief summary, Brem asked for Board comments.

Cahill asked what kind of precautions would be taken during construction because the property is a contaminated site. Holland said that typically the Licensed Site Professional (LSP) overseeing the site would issue construction conditions. These might include air quality monitoring, vapor barriers and soil testing. Most of the contaminated soil was removed but there are still pockets located under the buildings. Frado said that gasoline odors were very noticeable when they tested for the septic system. Bearfield said he wants to crush and fill the existing septic tank to avoid additional digging. The Board thought this was a good idea. Fantasia noted that there is no longer an LSP at the site. DEP took over the remediation in 1998 including the soil removal. There has been no further mitigation work since then. Holland said that since this is still an open site, any construction activity that may disturb the groundwater should be approved by DEP. The Board agreed to check with Tony Mariano, Jr. of the Water Quality Subcommittee who has experience in this field. The Board recommended that March and Bearfield contact DEP since they are managing the site. The Board recommended that they consult with an environmental specialist who could interact with DEP.

With no further discussion, the Board made the following findings:

Water Supply – the Board referenced a letter dated 6/12/07 from DEP determining that Ferns Country Store is not a public water supply. The Board will include a copy of this determination in its letter to the Selectmen.

Waste Disposal – the Board referenced a letter dated 7/9/07 from DEP in which it was determined that based on the design flows submitted, the Department has no issues with the remodeling and addition as long as the design flow does not exceed 970 GPD and the property does not fall within the Zone II or IWPA.

Capacity – There will be no increase in the design flows capacity from what was approved in 1995 as demonstrated in the design flow chart submitted 6/30/08.

Functioning – the relocation of the septic tank will maintain the 6.0' setback distance, which was a local upgrade approval waiver, granted in 1995. The system is inspected annually by the Board's consultant. A copy of the latest inspection dated 5/20/08 will be enclosed. All components were working properly.

The Board discussed whether a new variance would be needed for the septic tank. Holland had a similar setback issue for a client. He was informed by DEP that the original variance would still hold and a new application was not necessary. Brem said he was still not convinced. March said that relief was granted for a 6.0' setback in 1996. The same relief can be applied to the new design. He would be willing to reconsider

siting the tank if it does not trigger other problems. Since this is a preliminary determination, it is not necessary for the Board to make a final decision now.

Café and Lounge – the Board agreed that although the plans indicate a future 24-seat cafe, the preliminary determination only deals with the addition between the garage and market. The preliminary determination does not cover these renovations. The issues of a public water supply and public bathroom need to be addressed before the applicant can move forward on these plans.

Environmental and health concerns – the Board noted that it has an extensive working knowledge of the property. The Board has been involved in the ongoing 21E mitigation work and receives annual inspection reports on the septic system. The Board issues annual food establishment permits for the market and deli. The operation is inspected semi-annually for compliance with the Massachusetts 1999 Food Code.

The consensus of the Board was that it does not have concerns relative to water, septic, or environmental issues with the proposed remodeling, which does not at this time include a café seating area. The Board recommends that the applicant consult with an environmental specialist before undertaking any construction work since the property is still an open 221E site. The Board agreed to copy its comments to the applicant to the Selectmen, Planning Board, Conservation Commission, and Fire Chief, along with appropriate documents. Brem will sign the letter when prepared.

Bearfield and March thanked the Board for their comments. Frado is in the process of reviewing the septic tank relocation plan.

**BILLS** – It was moved (Risso), seconded (Deignan) and voted 4-0-1 (Holland absent) to approve the bills as presented.

**TECHNICAL CONSULTING GROUP CONTRACT** – the Board reviewed the revised contract. Frado submitted a statement of qualifications for Jeff Hannaford of Norse Environmental. Hannaford will act as a backup for Frado. The Board had asked Frado to make arrangements for additional staffing if needed. The Board signed the three-year contract, which has a built-in annual multiplier of 3.5%. Frado had checked the legal requirements of CMR 250 and is satisfied that TCG meets the standards for professional engineers. Brem disclosed that he is the brother in law of Hannaford. He recused himself from the vote.

It was moved (Deignan), seconded (Risso) and voted 4-0 to approve the three year contract with Technical Consulting Group.

**WATER QUALITY SUBCOMMITTEE (WQS)** – Holland reported that the subcommittee had met last week. They reviewed well testing results from the center. Some post filter results for MTBE were higher than pre filter results. Fantasia has contacted the owners about servicing the equipment. Overall MTBE is decreasing in the six wells tested. The Board is interested in meeting with Tony Mariano who has been tracking the results.

**FY08 BUDGET** – the Board agreed to order the additional storage cabinet and filing drawer. There will still be money returned to the General Fund.

**FY08 GOALS** – the Board reviewed and commented on the goals. Many of the goals were completed, some were partially met and a few were not done. The summary will be revised accordingly. Brem asked Board members to think of goals for the upcoming year, which will be discussed at the next meeting. Brem suggested doing more on educating the public about West Nile Virus, Lyme Disease and EEE. He would also like to publicize that the Board's consultant is available on days other than Wednesdays. Although this practice has been in place for a number of years, many installers still consider the "Wednesday Only" as firm. Brem suggested a mailing.

**LAND USE BOARDS** – the following liaisons were decided:

Selectmen – Brem; Conservation Commission – Holland; School Dept and Building Committee – Risso;  
Council on Aging – Cahill; Planning Board – Deignan.

**PUBLIC HEALTH ACTIVITIES** – Fantasia suggested looking for grant money to address teenagers and risky behavior. Christy Barbee of the Restorative Justice Program is willing to help. Many of the problems that occur at the high school start in middle school. Providing local parents with resources might be helpful.

**WATER SUPPLY** - Discussion then ensued on whether it would be better to sewer the center or provide a public water supply. The town has reserved Water Rights on the US Fish and Wildlife at Great Meadows. It would be very expensive to bring this water to the center. Holland said that it is cheaper to sewer than build a water distribution system. The Board is looking into using the excess capacity at the school's wastewater treatment plant for municipal buildings. Brem suggested that Chelmsford might have the capacity to provide water to the center. He suggested that the Board look into it. There may be grant money to help. It would mean creating a water district in order to collect fees through betterments. Holland calculated possible costs, which might make it unrealistic for individual homeowners, but felt the project might have some merit for future planning. The town would have to do an initial feasibility study. Cahill was concerned that it would undermine two acre zoning. Brem did not think this was necessarily so. Two acre zoning is more dependent on the geology and wetlands than water supply. Again, Holland said the more predictable need is replacing failed septic systems. The Board agreed to bring the issue up when it meets with the state.

There was no further business discussed. Meeting voted to adjourn at 9:25 p.m.

Respectfully submitted,

Linda Fantasia  
Recorder